

PROB 12B
(7/93)

United States District Court

for the

Eastern District of Washington

Report Date: October 3, 2011
FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OCT 05 2011

JAMES R. LARSEN, CLERK
DEPUTY
RICHLAND, WASHINGTON

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Kenneth Ray Mitchell

Case Number: 2:05CR00053-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, U.S. District Judge

Date of Original Sentence: 03/09/2006

Type of Supervision: Supervised Release

Original Offense:

Date Supervision Commenced: 09/06/2011

Conspiracy to Distribute 5 Grams or More of Actual
Methamphetamine, 21 U.S.C. § 846, 841(a)(1) and
(b)(1)(B)(viii)

Distribution of 5 Grams or More of Actual
Methamphetamine, 21 U.S.C. § 841(a)(1) and
(b)(1)(B)(viii)

Original Sentence: Prison - 84 Months; TSR - 48
Months

Date Supervision Expires: 07/05/2014

PETITIONING THE COURT

To modify the conditions of supervision as follows:

- 20 You shall participate in the home confinement program for 90 days. You shall abide by all the requirements of the program, which will include electronic monitoring or other location verification system. You shall pay all or part of the costs of the program based upon your ability to pay. You are restricted to your residence at all times except for employment, education, religious services, medical, substance abuse, or mental health treatment, attorney visits, court appearances, court-ordered obligations, or other activities as pre-approved by the supervising officer.

CAUSE

On September 27, 2011, Mr. Mitchell was terminated from his placement at the Spokane Residential Reentry Center (RRC) as he failed to complete the required physical examination required by the Bureau of Prisons (BOP) in the time period allotted. Mr. Mitchell recently began intensive outpatient drug treatment through Pioneer Counseling. Further, he is in the process of applying for the Sobriety Treatment and Education Program (STEP). Imposing a condition of home confinement with electronic monitoring will reasonably replace the correctional and controlling strategy that was in place through his placement at the RRC. Mr. Mitchell is currently residing with a friend; however, will be moving into a clean and sober residence (ie: Oxford House).

Prob 12B

Re: Mitchell, Kenneth Ray

October 3, 2011

Page 2

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 10/03/2011

s/Matthew L. Thompson

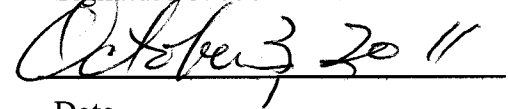
Matthew L. Thompson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other



Signature of Judicial Officer



Date

United States District Court

Eastern District of Washington

Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

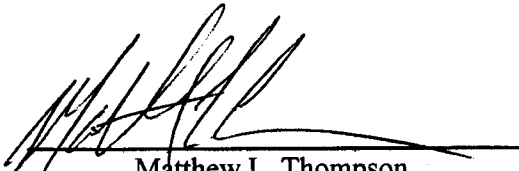
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

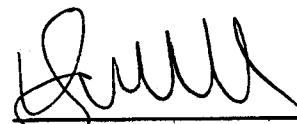
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Witness:


Matthew L. Thompson
U.S. Probation Officer

Signed:


Kenneth Ray Mitchell
Probationer or Supervised Releasee

October 3, 2011

Date